

The Corporation of the Town of Grimsby

By-law 15-17

A By-law for prescribing standards for the maintenance and occupancy of property.

Whereas the Corporation of the Town of Grimsby deems it desirable to enact a By-law pursuant to the Provisions of Section 15.1 of the Building Code Act, R.S.O. 1992, as amended;

And whereas there is in effect in the Town of Grimsby an Official Plan that includes provisions relating to property conditions;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1. That all owners of property within the Town of Grimsby are required to comply with the following minimum standards of maintenance and occupancy.

2. Definitions

In this By-law:

- 2.1 **Accessory Building** means a detached, subordinate building or structure not used for human habitation, located on the same lot with the main building and used incidental to the main building and includes a private garage;
- 2.2 **Bathroom** means a room containing a toilet, urinal, bathtub or shower, washbasin or any combination thereof;
- 2.3 **Committee** means the Property Standards Committee; established under Section 15.6 of the Building Code Act, as amended;
- 2.4 **Dwelling Unit** means a suite operated as a housekeeping unit used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- 2.5 **Garage** means a building or part thereof intended for the storage or parking of motor vehicles;
- 2.6 **Habitable Room** means any room in a dwelling used or capable of being used for living, sleeping, cooking or eating purposes;
- 2.7 **Heritage Attributes** mean;
 - a) the attributes of the Property, and the buildings and structures on the Property that contribute to the cultural heritage value or interest and are defined or described:

- i. in a by-law designating a Property passed under section 29 of the Ontario Heritage Act and identified as Heritage Attributes, values, reasons for designation or otherwise;
 - ii. in a Ministers Order made under section 34.5 of the Ontario Heritage Act and identified as Heritage Attributes, values, reasons for designation, or otherwise;
 - iii. in a by-law designating a heritage conservation district passed under section 41 of the Ontario Heritage Act and identified as Heritage Attributes, values reasons for designation or otherwise;
 - iv. in the supporting documentation required for a by-law designating a heritage conservation district, which may include, but not be limited to a heritage conservation district plan, assessment or inventory and identified in such documentation as Heritage Attributes, values, reasons for designation or otherwise.
- b) The elements features or building components which may include, but not limited to: roofs, walls, floors, retaining wall, foundation and structural systems that support or protect the Heritage Attributes, without which the Heritage Attributes may not be maintained.
- 2.8 Inoperative Motor Vehicle means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or parts, which would prevent its normal function;
- 2.9 Land(s) means grounds and vacant lot(s) exclusive of buildings save and except an accessory building;
- 2.10 Medical Officer of Health means the Medical Officer of Health for the Region of Niagara Health Unit;
- 2.11 Multiple Use Dwelling means a building containing both a dwelling unit and a non-residential property;
- 2.12 Municipality means the Town of Grimsby;
- 2.13 Non-Habitable Room means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use and for access to and vertical travel between storeys;
- 2.14 Non-Residential Property means a building or structure not occupied nor capable of being occupied in whole or in part for the purpose of human habitation and includes the land and premises appurtenant thereto and all out-buildings, fences or erections thereon;
- 2.15 Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

- 2.16 Occupant means any person or persons, over the age of eighteen, in possession of the property;
- 2.17 Officer means a Property Standards Officer for the Town of Grimsby who has been assigned the responsibility of administering and enforcing this By-law;
- 2.18 Owner includes:
- a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and;
 - b) lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- 2.19 Part IV Heritage Property means property designated under section Part IV Heritage Property means property designated under section 29 , or 34.5 of the Ontario Heritage Act, R.S.O. 1990, c. 0.1 8, as 29 , or 34.5 of the Ontario Heritage Act, R.S.O. 1990, c. 0.1 8, as amended.
- 2.20 Part V Heritage Property means property designated under section 41 of the Ontario Heritage Act, R.S.O. 1990, c. 0.18, as amended.
- 2.21 Person includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 2.22 Property means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out-buildings, accessory buildings, fences and erections thereon whether heretofore and hereafter erected, and includes vacant lands and properties listed under Part IV or Part V of the Ontario Heritage Act R.S.O. 1990, c. 0.18, as amended.
- 2.23 Repair includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms to the standards established in this By-law;
- 2.24 **Residential Property** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any lands or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the dwelling or its yard;
- 2.25 Sewage means any liquid waste containing animal, vegetable or mineral matter in suspension or solution;

- 2.26 Sewage System means the Town sanitary sewage system or a private sewage disposal system approved under the Building Code Act and regulations;
- 2.27 Standards means the standards of physical condition and of occupancy prescribed for property by this By-law;
- 2.28 Toilet Room means a room containing a water closet and washbasin;
- 2.29 Waterfront Property means that area of water, which is immediately capable of use from the land, together with that area of land, adjacent to the water, which is necessary to allow use of the above area of water;
- 2.30 Yard means the land around and appurtenant to the whole or any part of a building and used or intended to be used or capable of being used with the building.

Short Title

This By-law may be cited as the Property Standards By-law.

3. Maintenance of Lands

3.1 Condition of Lands

- 3.1.1 All lands shall be kept clean and free from rubbish and debris and from objects or conditions that might create a health, fire or accident hazard, including dilapidated buildings or structures.
- 3.1.2. All lands shall be kept clear of long grass, brush and undergrowth by cutting regularly and removing the cuttings from the lands.
- 3.1.3. Heavy and obnoxious weed growth and noxious weeds designated as such under the Weed Control Act, R.S.O. 1990 and subsequent revisions thereof, shall be eliminated from the lands.
- 3.1.4. No vehicle, trailer, boat or mechanical equipment which is in a wrecked, discarded, dismantled, abandoned or in-operative condition shall be parked, stored, or left on the lands.
- 3.1.5 Where vehicles, trailers, boats, or mechanical equipment required for business purposes, as permitted in By-Law in 86-12 as amended, they shall be screened from the street and public by a fence or suitable planting and parked in accordance with By-Law 71-74 as amended.

3.2. Condition of Yards

- 3.2.1. Yards shall be kept clean and free of any vehicle or vehicles including a trailer which is in a wrecked, discarded, dismantled, unlicensed, in-operative or abandoned condition.

- 3.2.2. All furniture used for exterior use shall be of material that readily repels water. Lands shall be kept clean and free from wrecked, discarded, dismantled or in-operative recreation equipment and furniture.
- 3.2.3 Appliances such as refrigerators, stoves and freezers shall not be left in yards and shall not be used as places of storage.
- 3.2.4. All lawns, hedges and shrubs shall be kept trimmed and in a slightly and neat condition so as to prevent undue overgrowth in relation to the neighbouring environment.
- 3.2.5 Dead, decayed or damaged trees or parts thereof that create an unsafe condition and dead shrubs, hedges, bushes etc., shall be promptly removed from the property.
- 3.2.6 A minimum clearance of one (1) metre shall be maintained between fire hydrants and all hedges, shrubs, trees, fences and other obstructions.
- 3.2.7 The ground shall be suitably covered as to prevent erosion of the soil. A suitably maintained covering such as grass, gravel, asphalt, ground cover or plants shall be used. In residential areas, the required front yard and side yard abutting a street shall be turfed by means of a suitable grass seed or nursery sod, or brick paving or ornamental stones installed over a rigid or flexible base such as asphalt or well compacted gravel.
- 3.2.8. Every tenant, occupant or lessee of a residential property shall maintain the residential property or part thereof and land which he occupies or controls, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis.
- 3.2.9. Compost heaps must conform to health regulations, be no larger than six (6) feet square and three (3) feet in height, be retained on all sides by concrete blocks or lumber of the same height as the compost heap, or in a forty five (45) gallon enclosed container, a metal frame building with cement floor or a commercial plastic enclosed container. Exterior surfaces shall be maintained in accordance with this By-law. Compost heaps may only be established in rear yards.
- 3.2.10. Firewood and building materials shall be neatly piled in a rear yard only. Garden equipment shall be stored in the rear yard and in a clean and sightly condition.

3.3 Drainage

- 3.3 .1. All sanitary sewage and organic waste shall be discharged into an approved sewage system.

- 3.3.2. Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface draining system or otherwise.
- 3.3.3. No roof drainage shall be discharged on sidewalks, stairs, neighbouring properties or onto any impervious surface within the road allowance.
- 3.3.4. Storm water shall be drained from the lands but shall not be directed to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.
- 3.3.5. Snow storage shall not be located so as to cause recurrent ponding of water on adjacent properties or so as to result in the entry of water into a basement or cellar.

3.4. Walks, Parking Areas, Driveways

- 3.4.1. Suitable hard surfaced walks shall be made available and maintained leading from the main entrance of a building to the street or driveway.
- 3.4.2. All steps, walks, driveways, parking spaces and similar areas shall be maintained to afford passage free from hazards at all times to any person using the same, including the removal of ice and snow.
- 3.4.3. All areas used for vehicular traffic and parking shall be covered with asphalt, crushed stone or gravel surfacing, be graded, drained and free from debris or other litter and kept in good repair at all times. Notwithstanding the foregoing, on any non-residential properties which abut residential properties, all areas used for parking and vehicular traffic shall be covered only with asphalt or similar hard surface.

3.5 Damaged Material

- 3.5.1. In the event of fire or explosion, measures shall be taken as soon as possible to make the damaged building compatible with its environment and intended use.
- 3.5.2. Damaged or partially burnt material shall be forthwith removed from the property once investigations are completed by fire authorities.
- 3.5.3. Damaged or partially burnt material shall be removed and replaced with new material so as to be in harmony with adjoining undamaged surfaces and the general environment.
- 3.5.4. Smoke or water damaged surfaces exposed to view, shall be cleaned forthwith.

3.5.5. In the event of the exterior surface becoming damaged or marked by water, smoke or by other natural causes, appropriate action shall be taken to restore or renew the affected surface.

3.6. Lighting Standards

3.6.1. Artificial lighting standards, fixtures and connections installed in yards and parking areas shall be kept in a good safe condition and in good working order.

3.6.2. Any lights used to illuminate yards or parking areas shall be arranged or shielded to deflect light away from abutting properties and or the public right of way.

3.7 Fences

3.7.1. All fences, barriers and retaining walls shall be maintained in good repair and free from hazards.

3.8 Accessory Building

3.8.1. An accessory building shall be kept in good repair and free from health, fire and accident hazards, and in a location in accordance with the Town of Grimsby's Zoning By-law.

3.8.2. Where an accessory building, structure or lands may harbor insects, vermin or rodents, all necessary steps shall be taken to eliminate such insects, vermin or rodents and to prevent their reoccurrence.

3.8.3. The exterior of any accessory building shall be weather resistant and where necessary shall be covered with weather resistant materials including paint or other preservatives.

3.8.4. Where an accessory building is not maintained in accordance with these standards, it shall be removed from the yard.

3.9 Swimming Pools

3.9.1. Swimming pools and the fences and gates surrounding same shall be maintained in a safe condition in conformity with the Town of Grimsby Swimming Pool By-law.

3.9.2. Electrical fixtures and lines supplying same shall be installed or reinstalled in accordance with the Ontario Electrical Code and any amendments thereto, to ensure at all times the safety of the users of the pool.

3.9.3. Water in the pool shall be properly filtered and purified so as to present no health hazard.

4 Property Standards

4.1. Structural Standards

- 4.1.1. Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional load for which it was designed having a factor of safety required by the Ontario Building Code.
- 4.1.2. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced.
- 4.1.3. Walls, roofs and other exterior parts of the building shall be free from loose or improperly secured objects or materials. Such part or material shall be removed, properly secured or replaced.

4.2. General Cleanliness

- 4.2.1. Every floor, wall, ceiling and parts thereof, shall be maintained in a clean and sanitary condition and buildings shall be kept free from rubbish and debris.
- 4.2.2. Hallways and stairways in a building shall be kept free from accumulation, storage of garbage, refuse or any other thing or object that may cause a health or accident hazard.

4.3. Garbage Storage and Disposal

- 4.3.1. Every building and every dwelling unit shall use sufficient weather resistant receptacles to contain all garbage, rubbish and ashes, as required by Town of Grimsby and the Region of Niagara's by-laws, relating to the handling, collecting and disposal of garbage, ashes and other refuse.
- 4.3.2. Garbage, rubbish and ashes shall be promptly stored in approved receptacles and removed as required by the said By-law. Garbage is to be stored in the rear yard if an area is not available in the building. Cans shall be enclosed in a building or at the very least, screened from view by neighbours.
- 4.3.3. In areas subject to littering, covered containers shall be made available for the deposit of refuse which may be discarded by the public and the lands and surrounding property shall be kept free of such refuse.
- 4.3.4. Buildings or structures used for the storage of garbage, rubbish, ashes and other refuse prior to disposal shall be deemed to be accessory buildings or structures within the meaning of this By-law.

4.4. Pest Prevention

- 4.4.1. Buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990 Chapter P .11 and all regulations passed pursuant thereto.
- 4.4.2. Openings and holes in a building containing residential units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests, shall be screened or sealed.

4.5. Basement Floors and Foundations

- 4.5.1. The foundation walls and the basement, cellar or crawl space floor of a building shall be maintained in good repair and structurally sound so as to prevent the entrance of moisture and rodents and where necessary shall be so maintained by shoring of the walls, installing subsoil drains at the rooting, grouting masonry cracks and waterproofing the walls or floor.
- 4.5.2. Every building unless of slab-on-grade type, shall be supported by foundation walls or piers which extend below the frost line or to solid rock and all footings, foundation walls, piers, slab-on-grade shall be of masonry or other suitable material.
- 4.5.3. Where foundation walls have been painted, they shall be maintained in a clean and slightly condition and free of peeling or flaking paint.

4.6. Exterior Surface

- 4.6.1. All exterior exposed wooden surfaces not inherently resistant to deterioration shall be periodically treated with a protective coating of paint, or otherwise repaired, coated, sealed or treated to protect them from deterioration or weathering.
- 4.6.2. Exterior walls of a building and their components shall be maintained so as to prevent their deterioration and where necessary shall be so maintained by painting, restoring or replacing of the surfaces.
- 4.6.3. Concrete, brick, metal and other similar surfaces that have been painted, shall be maintained in a clean and slightly condition and free of peeling or flaking paint.
- 4.6.4. Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained so as to prevent collapse of the same or injury to the occupants of the building or to the public.

4.7. Weather Proofing

- 4.7.1. The roof of a building including the fascia, soffit, cornice and flashing shall be maintained in a water-tight condition so as to prevent leakage of water into the building.
- 4.7.2. Dangerous accumulations of snow or ice both shall be removed as soon as possible from the roofs of buildings.
- 4.7.3. Where eavestroughing, roof guttering and down piping is provided, it shall be maintained in good repair so as to be watertight and securely fastened to the building at all times.

4.8. Stairways and Porches

- 4.8.1. Inside or outside stairways and any porch, deck, balcony, verandah or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which may constitute a possible accident hazard and all coverings, treads or risers that show excessive wear, or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be replaced.
- 4.8.2. A handrail shall be installed in a stairwell or open stairway with more than three risers and a guard shall be installed on the open sides of any balcony or landing more than two feet above any adjacent surface. In accordance with the requirements of the Ontario Building Code, handrails and guards shall be maintained in good repair so as to provide protection against accident or injury.
- 4.8.3. Storage of any kind is prohibited on all inside and outside stairs.

4.9. Garages and Carports

- 4.9.1. Attached or built-in garages shall be constructed as to prevent noxious gases from entering the habitable areas of the residents.
- 4.9.2. Garage and carport floors shall be of concrete or other suitable material and shall be maintained in good repair and free from hazards.

4.10. Floor

- 4.10.1. Every floor in a building shall be maintained so as to be free of all loose, warped, broken or rotted boards, protruding damaged or deteriorating surfaces or surfaces in a dangerous condition, or surfaces that might admit rodents into a room and all defective floor boards shall be repaired or replaced.
- 4.10.2. Where the floor in a building has been covered with a covering that has become worn or torn so that it retains dirt or is dangerous, the covering shall be repaired, or replaced.

4.10.3. Every bathroom, toilet room and kitchen floor shall be maintained so as to be impervious to water and easily cleaned and sanitized. Floors made of terrazzo or covered with ceramic, asphalt or rubber tile, linoleum or other similar materials are suitable coverings for these areas.

4.10.4. Every floor in a building shall be maintained in a clean sanitary condition.

4.11. Walls and Ceilings

4.11.1. Every wall and ceiling in a building shall be maintained so as to be a continuous surface, free of holes, cracks, loose, torn or worm coverings or other defects.

4.11.2. Walls surrounding showers and bathtubs shall be impervious to water. Caulking around the bathtub or shower shall be maintained in good repair.

4.12. Doors, Windows and Security

4.12.1. Windows, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free to prevent heat loss and infiltration by the elements: Rotted or damaged doors, door frames and their components, window frames, sashes and casings shall be renewed and defective hardware, weather-stripping and broken window glass shall be replaced.

4.12.2. All windows intended to be opened shall be readily openable under normally applied pressure without jamming or binding so as to perform their intended function.

4.12.3. In a dwelling unit, all windows intended to be opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit. At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.

4.12.4. In a building with a security system in place where persons are required to contact the tenant prior to being buzzed into the building, all intercom equipment must be kept free of defects and in good working order at all times.

4.12.5. Where mailboxes are supplied for the use of occupants, they shall be maintained in good condition and free of defects at all times. Damaged boxes or defective locks are to be repaired or replaced.

4.13. Water Supply

- 4.13.1. Every dwelling unit shall be provided with an adequate supply of potable running water from a source approved by the authority having jurisdiction.
- 4.13.2. An adequate supply of hot and cold running water shall be supplied to every sink, wash basin and bathtub or shower.
- 4.13.3. Hot water as required by Section 4.13.2 shall be supplied at a temperature of not less than one hundred and ten degrees Fahrenheit (110°F) (43°C).
- 4.13.4. Every water closet shall be supplied with an adequate supply of water to flush the toilet.

4.14. Plumbing System

- 4.14.1. All buildings shall have the sanitary facilities connected to a sewage system approved by the Town of Grimsby.
- 4.14.2. Plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connection line to the sewage system, shall be maintained in good working order and free from leaks and defects. All water pipes and appurtenances thereto shall be protected from freezing. Plumbing fixtures and piping shall conform to the Ontario Building Code.
- 4.14.3. Waste pipes shall be connected to the sewage system through water seal traps shall be corrected in a manner as required by the Town of Grimsby.
- 4.14.4. Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to cold or hot water, readily accessible for cleansing and free from blemishes or cracks or other defects that may harbour germs or impede thorough cleansing.

4.15. Toilet and Bathroom Facilities

- 4.15.1. Non-residential buildings shall have a minimum of one toilet and one wash basin supplied with running water located in an enclosed room and conveniently accessible to the employees.
- 4.15.2. Every dwelling unit except as otherwise provided shall contain bathroom plumbing fixtures consisting of at least one water closet, one wash basin and one bathtub or shower.
- 4.15.3. All bathrooms and toilet rooms shall be located within and be accessible from within the dwelling unit.

- 4.15.4. All bathrooms and toilet rooms shall be fully enclosed and with a door capable of being closed so as to provide privacy for the occupant.
- 4.15.5. The washbasin may be located in the same room as the water closet or in an immediately adjoining room.
- 4.15.6. The occupants of two dwelling units each containing not more than two habitable rooms may share toilet and bathroom facilities provided that access to the facilities can be gained without going through rooms of another dwelling unit, along an unheated corridor or outside the building containing the dwelling units.

4.16. Kitchens

- 4.16.1. Every self-contained dwelling unit shall contain a kitchen area equipped with cupboards for storing food, a counter top work area, space for a stove and refrigerator, and a sink supplied with hot and cold running, water. Cupboards are to be maintained in good repair at all times.
- 4.16.2. Every kitchen shall have provided an adequate and approved gas, electrical or other fuel supply for cooking purposes.
- 4.16.3. Counter top work areas shall be impervious to moisture and grease, be kept in good repair and free from defects that may harbour germs or impede thorough cleansing.

4.17. Heating Systems

- 4.17.1. Where persons are employed in duties and operations in an enclosed space or room within a non-residential building and not engaged in active physical activity, a heating system shall be provided which is capable of maintaining an adequate and suitable supply of heat.
- 4.17.2. No room heater shall be so placed as to cause fire hazard to walls and any other equipment or to impede the free movement of persons within the room where the heater is located.
- 4.17.3. Every dwelling unit shall be provided with a heating system capable of maintaining an adequate and suitable supply of heat as per Town of Grimsby Heating By-law.
- 4.17.4. The heating system required by Sub-Sections 4.17.1 and 4.17.3 shall be maintained in good working condition so as to be capable of heating the building safely to the required standard.
- 4.17.5. All heating apparatus or equipment involving combustion shall be properly connected and sealed to an approved chimney or flue.

- 4.17.6. All cooking apparatus or equipment involving combustion, which requires a connection to a chimney or flue, shall be properly connected to a chimney or flue by a sealed connection.
- 4.17.7. All connections between such equipment burning gaseous or liquid fuel shall be maintained in good repair.
- 4.17.8. In buildings having more than one non-residential unit or combination of non-residential and residential units with a central heating system, the same shall be located in a separate room having walls, ceiling and doors with a fire resistance rating of not less than one hour.
- 4.17.9. A space that contains a heating unit shall have natural or mechanical means of supplying air in such quantities to provide adequate combustion.
- 4.17.10. Where a heating system, or part of it, or any auxiliary heating system, burns solid or fuel shall be provided, maintained and properly constructed so as to be free from fire or accident hazards. A minimum of five feet clearance is required between fuel oil storage tanks and burners and only approved type storage tanks shall be used.
- 4.17.11. Any mechanism or structure used in the process of burning fuel or combustible material shall be properly vented to a duct leading to an approved chimney.
- 4.17.12. Every chimney, smoke pipe, flue and gas vent, actually in use or available for use on a building shall be maintained so as to prevent the escape of gases into the building.
- 4.17.13. Every chimney, smoke pipe, flue and gas vent, actually in use or available for use shall be kept clear of obstruction, all open joints shall be sealed, and all broken and loose masonry shall be repaired.
- 4.17.14. Every chimney, smoke pipe, flue and gas vent shall be installed and maintained so that under all conditions of use, the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith, does not exceed a safe temperature.
- 4.17.15. Fireplaces and similar installations used or intended to be used for burning fuels in open fires shall be connected to approved chimneys, smoke pipes, flues and gas vents and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated so as to exceed a safe temperature.

4.18. Electrical Service

- 4.18.1. The electrical wiring and all electrical fixtures located or used in a building shall be installed and maintained in good working order and

free of defects in accordance with regulations set by the Power Corporation Act and amendments thereto.

- 4.18.2. Every dwelling unit shall be wired for electricity and lighting equipment shall be installed throughout to provide sufficient illumination to avoid health or accident hazards in normal use, provided that the lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighbouring properties.
- 4.18.3. Every habitable room and kitchen in a dwelling shall have at least one electrical duplex outlet for each 120 square feet of floor space; for each additional 100 square feet of floor space an additional duplex outlet shall be provided.
- 4.18.4. Non-residential areas of a building shall contain sufficient electrical duplex outlets consistent with the requirement of the Electrical Safety Authority.
- 4.18.5. Fuses or overload devices shall not exceed limits set by the Electrical Safety Authority.
- 4.18.6. Extension cords shall not be used as a source of energy on a permanent basis.
- 4.18.7. All air conditioners shall be equipped with proper devices for the prevention of condensation drainage upon public sidewalks
- 4.18.8. All electrical appliances shall be maintained in a safe mechanical and electrical condition.

4.19. Lighting

- 4.19.1. In non-residential buildings, sufficient windows, skylights and electrical lighting fixtures shall be provided and maintained in order to furnish illumination of at least five foot-candles in all passageways and stairways whenever the building is in use, and at least one foot-candle in all stairways provided for use in case of fire or other emergency.
- 4.19.2. Every habitable room of a dwelling, except a kitchen, bathroom, toilet room and basement, shall have a window or windows, skylights or translucent panels that face directly to the outside, at least 6 inches above the adjoining finished grade, with an unobstructed light transmitting area not less than ten percent of the floor area of such rooms. The glass area of a sash door may be considered as a portion of the required window area.
- 4.19.3. An adequate and safe illuminating device shall be installed in every bathroom, toilet room, laundry room, furnace room and kitchen.

- 4.19.4. All halls and stairs in dwellings shall be lighted by a minimum of 4.6 foot-candles of light. Standby lighting shall be provided to average levels of at least 0.9 foot-candles at floor level in exits and corridors used by the public.
- 4.19.5. In multiple dwellings, multiple use buildings and non-residential buildings, every exit door to the outside shall have an illuminated exit light and illumination must be provided for all exterior stairways from top floor levels to grade.

4.20. Ventilation

- 4.20.1. Every habitable room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.
- 4.20.2. Every bathroom or toilet room shall be provided with either natural ventilation or a mechanical ventilation system in accordance with the Ontario Building Code.
- 4.20.3. All systems of mechanical ventilation shall be maintained in good working order.
- 4.20.4. All enclosed spaces including basements, cellars, attics or roof space and crawl spaces, shall be adequately vented to the outside air.

4.21. Fire Prevention Equipment

- 4.21.1. Fire prevention equipment shall be maintained in good working order so as to effectively perform their intended function and installed in accordance with the Ontario Building Code.

4.22. Elevators

- 4.22.1. Elevators shall be maintained in a safe condition and in good working order and in accordance with all governing Provincial Regulations.

4.23. Egress

- 4.23.1. In non-residential buildings, there shall be provided an adequate egress from every floor area in accordance with the Ontario Building Code.
- 4.23.2. Every dwelling and every dwelling unit shall have a means of egress capable of providing safe, continuous and unobstructed exit from the interior of the building to the exterior at street or grade level.
- 4.23.3. In all multiple dwellings and converted dwellings, there shall be an adequate means of egress to grade level available to all dwelling units

located within the building in accordance with the Ontario Building Code.

4.24. Occupancy Standards

- 4.24.1 No person shall use or permit the use of a non-habitable room in a dwelling for a habitable room purpose.
- 4.24.2. The maximum number of occupants in a dwelling unit shall not exceed one person per 100 square feet of habitable room floor area.
- 4.24.3. For the purpose of computing the number of occupants in Sub-section 4.24.2, any child less than one year of age shall be deemed one-half person.
- 4.24.4 For the purpose of computing the habitable room space in Sub-section 4.24.2, the floor area under a ceiling, which is less than five feet high, shall not be counted.
- 4.24.5. Every room used for sleeping purposes in a dwelling or a dwelling unit shall provide a minimum floor area of at least 60 square feet with not less than 40 square feet for each additional occupant, provided that for the purpose of this Sub-section, two children under the age of six years may be counted as one person.
- 4.24.6. No portion of a building shall be occupied if it does not meet the requirements of this By-law.

4.25. Graffiti

- 4.25.1. Objectionable markings, graffiti, or other defacement of fences, retaining walls and structures appurtenant to a property shall be removed and the surface restored.

5. Vacant Buildings

- 5.1. The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.
- 5.2. No partially or completely vacant building shall remain boarded up for a period longer than 60 days. After the said 60 days or an alternate time period set by the Property Standards Officer, the owner or agent or other person responsible, shall forthwith make the necessary repairs to make it fit for a dwelling or other authorized uses in accordance with the Town of Grimsby Zoning By-law.

- 5.3. Where a vacant building is not maintained in accordance with these standards it shall be removed from the property and the land or waterfront property left in a graded and level condition.

6. Heritage Properties

6.1. General

- 6.1.1. In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law, the Owner or Occupant of a Part IV or a part V Heritage Property shall:
- 6.1.1.1. maintain , preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.;
- 6.1.1.2. maintain the Property in a manner that will ensure the protection and preservation of the heritage values and attributes; and
- 6.1.1.3. obtain a heritage permit from Council prior to performing required work or causing any required work to be performed under this section of the by-law.

6.2. Repair of Heritage Attributes

- 6.2.1. Despite any other provisions of this by-law, where a Heritage Attribute or a part IV or Part V Heritage Property can be repaired, the Heritage Attribute shall not be replaced, instead shall be repaired:
- 6.2.1.1. in such a manner that minimizes the damage to the Heritage Attributes and values and maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute;
- 6.2.1.2. using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- 6.2.1.3. where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used if approved by Council.

6.3. Replacement of Heritage Attributes

- 6.3.1. Despite any other provisions of this by-law, where a Heritage Attribute of a part IV or Part V Heritage Property cannot be repaired, the Heritage Attributes shall be replaced:

- 6.3.1.1. in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute, using the same types of material as the original; and
- 6.3.1.2. where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used, if approved by Council.

6.4. Clearing and Levelling of Heritage Properties

- 6.4.1. Despite any other provisions of this by-law or the Building Code Act, 1992, no building or structure located on a part IV or Part V Heritage Property may be altered, demolished, removed or relocated except in accordance with the Ontario Heritage Act.

6.5. Vacant Heritage Properties

- 6.5.1. Where a Part IV or a Part V Heritage Property remains vacant for a period of 90 days or more, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain, and monitor proper heating and ventilation to prevent damage to the Heritage Attributes.
- 6.5.2. The Owner of a vacant Part IV or Part V Heritage Property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building.
- 6.5.3. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be installed from the exterior and shall be properly fitted in a watertight manner, and fit in such a manner so that all exterior trim and cladding remains uncovered and undamaged by the boarding;
- 6.5.4. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be fastened securely in a manner that minimizes damage to the Heritage Attributes;
- 6.5.5. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be painted in a manner to reflect the panes of glass, frames and muntins that were or are found on the opening that is being boarded over. The panes of glass shall be painted in matt black and the window frames and muntins shall be painted in a colour which matches that of the original opening;

6.5.6. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.

6.6. Conflict

6.6.1. If there is a conflict between this section and any other provision in By-law No. 15-17, or any other Town By-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

7. Administration and Enforcement

7.1. Officers and Inspectors

7.1.1. The person or persons appointed as Property Standards Officers for the Corporation of the Town of Grimsby shall be responsible for the administration and enforcement of this By-law.

7.1.2. Any Building Inspector, Plumbing Inspector of the Corporation, any Public Health Inspectors of the Region of Niagara Health Unit and any Inspector of the Fire Department of the Corporation are hereby authorized to act as an assistant to the Property Standards Officer from time to time.

7.1.3. The Property Standards Officer and any person acting under his or her instruction may at all reasonable times and upon producing proper identification enter and inspect any property.

7.1.4. The Property Standards Officer and any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without compliance with Section 17.1 of the Building Code Act or under the authority of a search warrant issued under Section 21 of the Building Code Act.

7.2. Notice Prohibiting Use of Property

7.2.1. The Property Standards Officer may issue a notice prohibiting the use of property that does not conform to the standards of this By-law.

7.2.2. The Property Standards Officer may cause a placard to be placed on the exterior of any building that does not conform to the standards contained in this By-law. The placard shall state the particulars of the non-conformity and that the use of the property is prohibited until it conforms to the standards set by this By-law. No person shall pull down or deface any such placard.

7.3. Orders

7.3.1. An Officer who finds that a property does not conform with any of the standards may make and serve or cause to be served upon or send by prepaid Registered Mail to such a person an order containing;

7.3.1.1. The Municipal address or legal description of such property;

7.3.1.2. Reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition, the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not done within the time specified in the order, the Municipality may carry out the repair or clearance at the expense of the owner;

7.3.2. A notice or an order under Sub-section 7.2.1 or 7.3.1 when sent by Registered Mail shall be sent to the last known address of the party or parties involved and shall be confirmed five (5) days from the date of mailing.

7.3.3. If the Officer is unable to effect service Under Sub-section 7.3.1, he or she shall place a placard containing the terms of the order in a conspicuous place on the property and placing of the placard shall be deemed to be sufficient service of the order on the owner or other persons.

7.3.4. An order under Sub-section 7.3.1 may be registered in the proper Land Registry Office and upon such registration any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under Sub-section 7.4.1 and when the requirements of the order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

7.4. Emergency Powers

7.4.1. Notwithstanding any other provisions of this By-law, if upon inspection of a property, the Officer is satisfied there is a non-conformity with the standards prescribed in the By-law to such extent as to pose an immediate danger to the health or safety of any person, the Officer may make an order containing particulars of the non-conformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

7.4.2. After making an order under Section 7.4.1, the Officer may either before or after the order is served, take or cause to be taken any measures he or she considers necessary to terminate the danger and for this purpose the Municipality has the right, through its servants and agents to enter upon the property from time to time.

7.4.3. The Officer, Municipality or anyone acting on behalf of the Municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Municipality in the reasonable exercise of its power under Sub-section 7.4.2.

7.5. Responsibility of Occupant

7.5.1. Notwithstanding the responsibility of the owner, where the maintenance of any property affected by this By-law is, by the written terms of a lease or an agreement for occupancy, made the responsibility of the occupant, the Property Standards Officer may require the occupant to repair and maintain the property to the satisfaction of the Property Standards Officer in accordance with the particulars of the repairs set forth in the order.

7.6. Property Standards Committee

7.6.1 Amended
by By-law 24-41

7.6.1. The Committee of Adjustment shall be appointed as the Property Standards Committee for the Town of Grimsby.

7.6.2. Members of the Committee shall hold office for the Term of Council and shall hold office until members of Council appoint new members.

7.6.3. When a member ceases to be a member before the expiration of the term, Council shall appoint another person for the expired portion of the term.

7.6.4 Amended
by By-law 24-41

7.6.4. A member of Council or an Employee of the Municipality is not eligible to be a member of the Committee, but a teacher employed by a Board of Education or School Board is not deemed to be an 'Employee' for the purpose of this section.

7.6.5. The Members of the Committee shall be paid such compensation as the Council may provide.

7.6.6. The Members of the Committee shall elect one of themselves as Chair, and when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Chair pro tempore and shall make provision for a Secretary for the Committee and any Member of the Committee may administer oaths.

7.6.7. The Secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee and Section 74 of the Municipal Act applies mutatis mutandis to such documents.

7.6.8. A majority of the Committee constitutes a quorum and the Committee may adopt its own rules of procedure but before hearing an appeal under Sub-section 7.8.1 shall give notice or direct that notice be given of such hearing to such persons as the Committee considers should receive such notice.

7.7. Appeals

7.7.1. When the owner or occupant upon whom a notice has been served in accordance with Section 7.3 is not satisfied with the terms or conditions of the order, he may appeal to the Committee by sending notice of appeal by Registered Mail to the Secretary of the Committee within fourteen days after service of the order, and in the event that no appeal is taken, the order shall be deemed to have been confirmed.

7.7.2. Where an appeal has been taken, the Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order to demolish or repair or may modify or rescind it or extend the time for complying if the general intent and purpose of the By-law and of the Official Plan or policy statement are maintained.

7.7.3. The Municipality in which the property is situated or any owner, occupant or person affected by a decision under Sub-section 7.7.2 may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk of the Corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision.

7.7.4. The Judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his or her appointment may direct that it shall be served upon such persons and in such manner as he or she prescribes.

7.7.5. The appointment shall be served in the manner prescribed by the Judge, and;

7.7.6. The Judge on such appeal has the powers and functions as the Committee.

7.7.7. The order, as deemed to have been confirmed pursuant to Sub-section 7.7.1, or as confirmed or modified by the Committee pursuant to Sub-section 7.7.2, or in the event of an appeal to the Judge pursuant to Sub-

section 7.7.3, as confirmed or modified by the Judge, shall be final and binding upon the owner, occupant or persons affected by the decision, who shall make the repair or effect the demolition within the time and in the manner specified in the order.

7.8. Power of the Corporation to Repair

7.8.1. If the owner or occupant of a property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the Corporation of the Town of Grimsby in addition to all other remedies;

7.8.1.1. Shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time enter in and upon the property and;

7.8.1.2. Shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation of the Town of Grimsby under the provisions of this Sub-section.

7.9. Municipal Lien

7.9.1. The municipality Shall have a lien on the land for the amount spent on the repair or demolition under Sub-section 7.8.1 and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

7.10. Certificate of Compliance

7.10.1. Following the inspection of a property, the Officer may, and on the request of the owner shall, issue to the owner a Certificate of Compliance if, in his or her opinion, the property is in compliance with the standards. When such a certificate is issued at the request of the owner, the fee shall be \$50.00.

7.11. Penalty

7.11.1. Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000.00 for a first offence and to a fine of not more than \$50,000.00 for any subsequent offence.

7.11.2. Notwithstanding Sub-section 7.11.1, if a Corporation is convicted of an offence under Sub-section 7.11.1, the maximum penalty that may

be imposed upon the Corporation is \$50,000.00 for a first offence and \$100,000.00 for any subsequent offence.

7.11.3. For the purposes of Sub-sections 7.11.1 and 7.11.2, an offence is a subsequent offence if there has been a previous conviction under the Building Code Act.

7.12. Validity

7.12.1. If any section of this By-law is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.

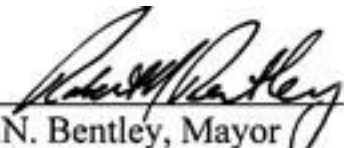
7.12.2. Where a provision of this-By-law conflicts with the provisions of another By-law in force in the Town, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.

7.12.3. This By-law shall come into force and take effect upon its passing.

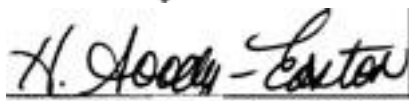
7.12.4. That By-law 01-79 being a By-law prescribing Property Standards in the Town of Grimsby and 04-11 being a By-law to amend By-law 01-79 be and are hereby repealed.

Read a first time this 17 th day of February, 2015.

Read a second and third time and finally passed this 17th day of February, 2015.



R.N. Bentley, Mayor



Sandy-Easton, Town Clerk